



TO: Board of Visitors Governance Committee Members

Jerri F. Dickeski, Chair
Kay A. Kemper, Vice Chair
R. Bruce Bradley (*ex-officio*)
P. Murry Pitts (*ex-officio*)
E.G. Middleton, III

FROM: Ashley Schumaker
Chief of Staff and Vice President for Strategic Operations

DATE: June 3, 2024

SUBJECT: June 13, 2024, Meeting Agenda

The Board of Visitors Governance Committee will meet on Thursday, June 13, 2024, from 4:45-5:30 PM in the Board Room of the Kate and John R. Broderick Dining Commons.

The agenda and supporting materials are enclosed.

AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. April 18, 2024, Governance Committee Meeting
 - B. May 1, 2024, Governance Committee Meeting
- III. Action Items
 - A. Revisions to Board of Visitors Policy 1530 – Code of Student Conduct
 - B. New Board of Visitors Policy 1109 – Prohibition on Participation in Malign Foreign Talent Recruitment Programs
 - C. Health Sciences Center Board of Directors Appointments
- IV. Discussion Item - In-person Attendance vs. Remote Participation in Board of Visitors Meetings
- V. Next Steps
- VI. Adjourn

DRAFT – SUBJECT TO COMMITTEE APPROVAL

OLD DOMINION UNIVERSITY BOARD OF VISITORS GOVERNANCE COMMITTEE MEETING Thursday, April 18, 2024

MINUTES

The Governance Committee of the Board of Visitors of Old Dominion University met on Thursday, April 18, 2024, in the Board Room of the Kate and John R. Broderick Dining Commons on the Norfolk campus. Present from the Committee:

Jerri F. Dickseski
R. Bruce Bradley, Rector (*ex-officio*)
P. Murry Pitts, Vice Rector (*ex-officio*)
Kay A. Kemper (via Zoom)
E.G. Middleton

Also present:

Brian O. Hemphill, President
Donna Meeks
Chad Reed
September Sanderlin
Ashley Schumaker
Amanda Skaggs
Allen Wilson

CALL TO ORDER AND APPROVAL OF MINUTES

The Chair called the meeting to order at 3:20 PM and noted that a quorum was present. Committee member Kay Kemper attended remotely from her home in Florida in accordance with Va. Code § 2.2-3708.3.B.3 and Board of Visitors Policy 1107. The Chair asked for approval of the minutes of November 30, 2023 meeting. Upon a motion made by Mr. Bradley and seconded by Mr. Middleton, the minutes were approved by roll-call vote (*Bradley, Dickseski, Kemper, Middleton, Pitts*).

PROPOSED BYLAWS REVISIONS

The Chair asked Al Wilson to review the proposed changes to the Bylaws. He noted that these changes are related to the EVMS merger. The changes to Section 2.01, Composition, includes language from the Code effective July 1 that at least four members appointed by the Governor shall be physicians or other medical or health professions with administrative or clinical experience in an academic center. Dr. Montero already fills one of those positions.

A new Section 4.02, Health Sciences Center Board of Directors, sets out the composition and quorum requirements as well as the duties and authority of the Health Sciences Center Board of Directors. Because of its unique responsibilities and duties, it is not included as a “standing committee” of the Board but as a separate committee, as reflected in the proposed changes to

Section 4.03. He added that this group will likely meet more frequently in addition to the quarterly Board meetings and his counterpart at EVMS, who will become an employee of the Office of the Attorney General and will report to him, will continue to represent the medical school.

The Committee discussed the composition of the Board of Directors and how it would interact with the Board of Visitors. Mr. Wilson stated that this Board, technically a committee of the Board of Visitors, would have no actual decision-making authority but would make recommendations to the Board of Visitors for consideration and final action.

Upon a motion made by Mr. Middleton, and seconded by Mr. Pitts, the proposed revisions to the following Sections of the Bylaws were approved by roll-call vote (*Bradley, Dickeski, Kemper, Middleton, Pitts*), and will be presented as a recommendation of the Committee to the full Board for approval in June.

OF THE OLD DOMINION UNIVERSITY BOARD OF VISITORS

PREFACE

The Board of Visitors adopts the bylaws that follow for the orderly and efficient conduct of its meetings and the business of Old Dominion University. This preface is to provide a brief overview of the source of the Board's authority as a public institution of higher education, and a component of the executive branch of the government of Virginia.

The Virginia statutes specific, or organic to the University, [Va. Code §§23.1-2000 through 23.1-2004](#)[Va. Code §§23.1-2000 through 23.1-2007](#), might be thought of as the University's charter. These statutes constitute the Board of Visitors as a public corporation named "Old Dominion University," and set the corporation's basic purpose and authority. Other statutes apply to all Commonwealth institutions of higher education to impose other duties and confer additional powers. The University is also subject, along with all agencies of the executive branch of the state government, to such statutes as, for example, the Virginia Freedom of Information Act which governs, *inter alia*, the circumstances under which a public body, such as this Board, may meet in closed session. Ultimately, however, the University's operations are dependent on the terms of the Appropriations Act adopted bi-annually in the even numbered years by the Virginia legislature, the General Assembly, and amended in the odd numbered years. Finally, it is to be noted that the Commonwealth's agencies and institutions are not as a rule subject to the general statutes of Virginia, as well as the ordinances enacted by the local governments, unless the General Assembly expressly provides otherwise.

ARTICLE II Members

§ 2.01 Composition – The Board of Visitors is composed of 17 members appointed by the Governor, of whom at least 14 shall be residents of the Commonwealth, [at least four shall be physicians or other medical or health professionals with administrative or clinical experience in an academic medical center](#), and at least three shall be alumni of the University. The members are appointed to a four-year term and are eligible for appointment to a second four-year term. ([Va. Code §23.1-2001 A](#)). A Board member may be appointed by the Governor after having served two

four-year terms if at least four years has passed since the end of the previous consecutive four-year term ([Va. Code §23.1-1300 B](#)).

ARTICLE IV

Committees

§ 4.02. Health Sciences Center Board of Directors

(a) Composition. The composition of the Board of Directors shall be as set forth in Va. Code §23.1-2002 G.

(b) Quorum. A majority of voting members of the Board of Directors serving at any time shall constitute a quorum.

(c) Duties and Authority. In accordance with Virginia Code § 23.1-2002.G, the Board of Directors shall oversee the Eastern Virginia Health Sciences Center at the University (Health Sciences Center) and may exercise such decision-making authority over the Eastern Virginia Health Sciences Center at the University as it deems necessary or appropriate under the authority of and in accordance with these bylaws. The Board of Directors shall oversee financial management of the Health Sciences Center and recommend the operating and capital budgets; strategic plan; and master facility plan regarding the Health Sciences Center to the Board for final approval. The President shall consult with the Board of Directors on the hiring or termination of the Executive Vice President of Health Sciences, which requires the agreement of the Board of Directors. As part of its responsibilities, the following actions require the approval of two-thirds of the members of both the Board of Directors and the Board: (i) changes to the process for hiring or firing the Executive Vice President of Health Sciences; (ii) changes to the process for hiring and firing the Dean of the School of Medicine; (iii) major changes in the scope of the Health Science Center; (iv) any material health sciences affiliation or joint venture between the University and any hospital, health system, physician group, or medical school; (v) sale of all or substantially all assets, or divestiture of legacy assets of EVMS, the Health Sciences Center, or the EVMS Medical Group; and (vi) any change to the Health Sciences Center name, as either the legal or trade name, or any material change in the public use of this name.

(d) Chair and Vice Chair. The Board of Directors shall annually elect from its membership a Chair and Vice Chair.

(e) Reports to Board. The agenda for each regular Board meeting shall include a report from the Board of Directors, including actions taken and recommendations made for approval by the Board.

(f) Charter. The Board of Directors shall develop and implement a Charter that details its roles and responsibilities and includes a requirement for self-evaluation, which shall be presented to and approved by the Board.

§ 4.03. Standing Committees. In addition to the Executive Committee and the Board of Directors of the Health Sciences Center, the standing committees of the Board shall consist of the Academic and Research Advancement Committee, Administration and Finance Committee,

Athletics Committee, Audit, Compliance and Human Resources Committee, Governance Committee, Student Enhancement and Engagement and Digital Learning Committee, and University Advancement and University Communications Committee. Except as otherwise set forth in the Code of Virginia or these bylaws, the chairs and members of the standing committees shall be appointed by the Rector, after consultation with the parties involved, and shall serve until their successors have been duly appointed. The Rector should consider rotating board members through various committees and leadership positions to plan for board officer succession. All members may be reappointed from year to year. Board members shall typically serve on two or more standing committees. Standing Committee chair vacancies (versus temporary absences) may be filled at any time by appointment of the Rector. A quorum of each of the standing committees shall consist of three voting Visitors who are committee members. The Rector and Vice Rector are deemed committee members for all purposes, including a quorum. The agenda for each regular Board meeting shall include reports by committees to the Board. Unless otherwise specifically provided by the Board, decisions/ recommendations of standing committees (except decisions by the Academic and Research Advancement Committee on review of negative tenure decisions) are advisory and must be ratified and approved by the Board of Visitors.

BOARD OF VISITORS POLICY 1220 – STANDARDS FOR THE SAFE USE OF ARTIFICIAL INTELLIGENCE

Mr. Wilson explained the need for this new Board policy, noting the Governor issued an Executive Order requiring governing boards to codify an acceptable use policy for Artificial Intelligence in compliance with guidelines for AI integration throughout education in the Commonwealth. The policy was drafted by AI experts in Digital Learning with consultation from his office. Vice President Rodriguez Gonser added that the Executive Order requires all agencies have a policy that incorporates an ethical use of the application, procurement, and integration of AI throughout the institution. Ms. Dickseski and Mr. Wilson commented that this policy will likely evolve over time.

Upon a motion made by Mr. Bradley and seconded by Mr. Pitts, the following policy was approved by roll-call vote (*Bradley, Dickseski, Kemper, Middleton, Pitts*).

NUMBER: 1220
TITLE: Standards for the Safe Use of Artificial Intelligence
APPROVED:
SCHEDULED REVIEW DATE:

A. PURPOSE

The purpose of this policy is to establish a culture of integrity that ensures the responsible, ethical, transparent use of artificial intelligence (AI) technology in public higher education by implementing comprehensive AI standards across the University ecosystem.

B. AUTHORITY

[Virginia Code Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 7.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to university operations.

[Executive Order Number Thirty \(2024\)](#), Commonwealth of Virginia, Office of the Governor, Implementation of Standards for the Safe Use of Artificial Intelligence Across the Commonwealth

C. DEFINITIONS

Artificial Intelligence (AI): Refers to the simulation of human intelligence processes by machines, particularly computer systems. This encompasses various techniques such as machine learning, natural language processing, and computer vision, enabling systems to perform tasks that typically require human intelligence.

Ethical Use: Prioritizing moral considerations and principles in the deployment of AI, emphasizing fairness, accountability, and transparency in all AI applications.

Equity: Ensuring fairness and equal access to AI resources and opportunities for all individuals, regardless of background or demographics.

Learning Experience Enhancement: Leveraging AI technologies to personalize learning experiences, cater to diverse learner needs, and improve student outcomes.

Privacy Protection: Measures aimed at safeguarding the confidentiality and security of individuals' data, ensuring compliance with relevant state and federal regulations.

Risk Mitigation: Strategies to identify, assess, and manage potential risks associated with AI technologies, including biases, discrimination, and data breaches.

D. SCOPE

This policy applies to all Old Dominion University employees, including staff, administrators, faculty, full- or part-time, and classified or non-classified persons paid by the University. It encompasses the use of artificial intelligence (AI) technologies across various University activities, emphasizing responsible and ethical practices. This scope extends to AI applications in research endeavors, educational initiatives, administrative functions, and all other areas where AI technologies may be employed within the University ecosystem.

E. POLICY STATEMENT

Old Dominion University is committed to the effective implementation of comprehensive artificial intelligence policy standards that support research, teaching, and administration while safeguarding state business applications, protecting individual data, and mitigating risk. These standards will:

1. **Ensure Ethical Use:** Prioritize ethical considerations and ethical use in AI deployment, in teaching, learning, research, and administration, promoting fairness, accountability, transparency and respect for human rights in all AI applications and AI related activities conducted within the University.
2. **Foster Innovation:** Encourage innovation and experimentation in AI integration to enhance teaching, learning, and research outcomes.
3. **Protect Privacy:** Safeguard the privacy and security of individuals' data by implementing robust data protection measures in compliance with state and federal regulations.
4. **Mitigate Risks:** Implement strategies to mitigate risks associated with AI technologies, including biases, discrimination, and data breaches.
5. **Promote Equity:** Ensure equitable access to AI resources and opportunities for all students, faculty, and staff, irrespective of background or demographics.
6. **Enhance Learning Experiences:** Leverage AI technologies to personalize learning experiences, cater to diverse learner needs, and improve student outcomes.

F. PROCEDURES

1. The responsible office, the Division of Digital Learning, shall establish a standardized and transparent approval process for the acquisition, development, and/or deployment of AI technologies. The approval process requires the thorough review and ratification of AI technology by designated authorities in consultation with Procurement Services, Information Technology Services, and other relevant University departments to ensure compliance with University AI policy.
2. **Disclaimers and Transparency:**
 - a. All AI products or outcomes generated in educational settings must be accompanied by clear and comprehensive disclaimers that inform users about the limitations, assumptions, and potential biases of the AI system and clarify the roles and responsibilities of human users in interpreting and acting upon AI-generated information.
 - b. Promote transparency in AI usage by providing stakeholders with access to information about AI applications and decision-making processes.
3. **Mitigation of Third-Party Risks:**
 - a. Implement measures to assess and mitigate risks associated with third-party AI vendors, including vendor selection, data sharing agreements, contractual obligations, assessing vendor reliability, data security practices, adhering to ethical standards, by consulting with Procurement Services, and undergoing the University's software decision analysis process.

- b. Contracts with AI vendors should include provisions for data protection, privacy safeguards, in addition to clauses for non-compliance and dispute resolution by consulting with Procurement Services and following the software decision analysis process to ensure compliance.
 - c. Conduct regular audits and assessments in collaboration with ITS to monitor the performance and security of third-party AI solutions.
4. Protection of Student and Employee Data:
- a. Implement robust data privacy and security measures to safeguard sensitive information collected or processed by AI systems.
 - b. Ensure that AI systems comply with applicable laws and regulations governing the collection, storage, and use of student data, including the Family Educational Rights and Privacy Act (FERPA), the General Data Protection Regulation (GDPR), Health Insurance Portability and Accountability Act (HIPAA), and other relevant state and federal privacy laws.
5. Protection of Research Data:
- a. Strengthen provisions related to data privacy and security when using AI technologies, adhering to best practices for protecting sensitive information and obtaining informed consent for data collection and analysis.
 - b. Implement measures to ensure that confidential, sensitive, and other protected data are not entered into any AI research tool without proper risk analysis. Protected data may include information protected by FERPA, HIPAA, confidential personnel records, intellectual property, Human and Animal Subject data, and other sensitive or confidential institutional research data.
 - c. Any use of AI tools in the research process using humans or animals should be disclosed in the Institutional Review Board (IRB) application and address potential ethical considerations.
6. Implementation: The implementation of AI Policy Standards within Old Dominion University will be supported by the following strategies:
- a. **Training and Capacity Building:** Provide training and professional development opportunities for faculty, staff, and administrators on AI ethics, best practices, and compliance requirements. Foster a culture of responsible AI usage through awareness campaigns, workshops, and educational resources.
 - b. **Collaboration and Partnerships:** Forge partnerships with industry stakeholders, government agencies, and academic institutions to exchange knowledge, share best practices, and stay abreast of emerging trends in AI technology and policy. Establish interdisciplinary AI research projects to facilitate collaboration among researchers from diverse fields.

- c. **Monitoring and Evaluation:** Establish mechanisms for ongoing monitoring, evaluation, and review of AI initiatives to ensure alignment with AI Policy Standards and educational objectives. Solicit feedback from stakeholders and incorporate lessons learned into future AI projects and policies.
- 7. **Community Engagement:** Engage students, faculty, staff, and the broader community in discussions and forums on AI ethics, privacy, and societal implications. Foster dialogue and collaboration with local stakeholders to address community concerns and priorities related to AI integration.
- 8. The specific standards to be utilized for compliance with this policy are published on the [Information Technology Services Computing Policies and Standards website](#). Additional guidelines are available on the [University Web and Digital Communication](#) website.

G. REGULAR POLICY REVIEWS

The Division shall conduct annual reviews of this policy to ensure its alignment with evolving regulations and best practices. These reviews shall involve consultation with experts, and other relevant stakeholders.

H. RECORDS RETENTION

Applicable records must be retained and then destroyed in accordance with the [Commonwealth's Records Retention Schedules](#).

I. RESPONSIBLE OFFICER

Vice President for Digital Learning

J. RELATED INFORMATION

- [University Policy 3505 - Information Technology Security Policy](#)
- [University Policy 3506 - Electronic Communication Policy for Official University Business](#)
- [University Policy 3507 - Information Technology Accessibility Policy](#)
- [University Policy 3508 - Information Technology Project Management](#)
- [University Policy 3509 - Software Decision Analysis Policy](#)
- [University Policy 4100 - Student Record Policy](#)
- [University Policy 5350 - Research and Scholarly Digital Data Management Policy](#)

BOARD OFFICER ELECTIONS PROCESS

Mr. Dickeski reviewed the proposed process for the Board officer elections, noting that the Committee will meet on May 1 to select a slate of officers to recommend to the Board at its meeting in June. If more than one individual is nominated for an officer position, they will be invited to the meeting on May 1 to make a brief presentation before the Committee decides on the slate. Board

members may also nominate individuals from the floor prior to the election of each officer at the June 14 meeting.

Upon a motion made by Mr. Bradley and seconded by Mr. Pitts, the proposed process was approved by roll-call vote (*Bradley, Dickseski, Kemper, Middleton, Pitts*).

2024 BOARD SELF-ASSESSMENT SURVEY

Ms. Dickseski announced that there was 100% participation on this year's survey and thanked everyone for completing it. She shared her impressions on the results of the survey, noting that the scores were very good, though the 100% participation may have skewed some of the scores a little lower than in previous years. Overall, Board members feel well informed and complimented the two-day meeting format that allows them to attend all of the committee meetings. President Hemphill, his leadership team, and staff members are highly regarded, and Board members appreciate the transparency and communication in making the Board aware of issues before they become public. There continues to be a desire for a better understanding of the needs of students and alumni.

The survey results will be shared with the full Board at its meeting in June and, if the process continues as it has in the past few years, these results will form the basis of discussion at the annual retreat in August on what the Board feels are the key areas of focus for the upcoming year.

The Rector noted that the scores over the last few years have been fairly consistent, and the Vice Rector commented that this is a good process that should continue. Ms. Kemper thanked Jerri for all that she has done as the founding chair of the Governance Committee; Ms. Dickseski in turn thanked Donna for her assistance.

NEXT STEPS

The chair asked Brian Payne to provide an update on Board of Visitors Policy 1420, Faculty Salary Increments. Dr. Payne said that the deans have made recommendations and the policy has been forwarded to the Faculty Senate for its review. It is included on the agenda for their meeting next week.

With no further business to discuss, the meeting was adjourned at 4:02 PM.

DRAFT – SUBJECT TO COMMITTEE APPROVAL

**OLD DOMINION UNIVERSITY
BOARD OF VISITORS
GOVERNANCE COMMITTEE MEETING
Wednesday, May 1, 2024**

MINUTES

The Governance Committee of the Board of Visitors of Old Dominion University met on Wednesday, May 1, 2024, in the Board Room of the Kate and John R. Broderick Dining Commons on the Norfolk campus. Present from the Committee:

Jerri F. Dickseski, Chair
Kay A. Kemper, Vice Chair (via Zoom)
R. Bruce Bradley, Rector (*ex-officio*)
P. Murry Pitts, Vice Rector (*ex-officio*)
E.G. Middleton

Other Board members present: Ross A. Mugler

Also present: Brian O. Hemphill, President
Annie Gibson
Donna Meeks
Tom Odom
Ashley Schumaker
Allen Wilson

CALL TO ORDER

The Chair called the meeting to order at 11:24 AM and noted that a quorum was present. Committee member Kay Kemper attended remotely from her home in Florida in accordance with Va. Code § 2.2-3708.3.B.3 and Board of Visitors Policy 1107.

BOARD OFFICER NOMINATIONS

The Chair stated that a letter was sent out on April 19 seeking nominations for Board officers. Seven Board members submitted nominations and there were no contested positions, so one candidate is listed for each position, as follows:

Rector – Murry Pitts
Vice Rector – Andrew Hodge
Secretary - Rick Wyatt

Ms. Dickeski reminded committee members that since the last election in 2022, the Committee discussed the approach of succession planning with the Vice Rector position and language was included in the Bylaws to reflect that.

Upon a motion made by Mr. Middleton and seconded by Mr. Pitts, the Committee approved the proposed slate of officers by roll-call vote (*Bradley, Dickeski, Kemper, Middleton, Pitts*).

The Chair said she will contact Mr. Hodge and Mr. Wyatt about their nominations and reminded the Committee that, in accordance with the Bylaws, nominations may be accepted from the floor when elections are held at the June 14 Board meeting.

PROPOSED EDITS TO THE AUDIT, COMPLIANCE AND HUMAN RESOURCES COMMITTEE CHARTER

The Chair stated that edits to the Audit, Compliance, and Human Resources Charter were approved by the ACHR Committee at its meeting in April and is now before the Governance Committee for approval. It will then be presented as a recommendation of the Committee to the full Board at its meeting on June 14. Upon a motion made by Mr. Pitts and seconded by Mr. Bradley, the revised Charter was approved by roll-call vote (*Bradley, Dickeski, Kemper, Middleton, Pitts*).

OLD DOMINION UNIVERSITY BOARD OF VISITORS AUDIT, COMPLIANCE, AND HUMAN RESOURCES COMMITTEE CHARTER

Purpose and Authority

To assist the Board of Visitors in fulfilling its oversight responsibilities for the financial reporting process, the system of internal control, the internal and external audit processes, and the University's process for monitoring compliance with laws and regulations and the code of ethics and matters of compliance related to the University's human capital infrastructure. In so doing, it is the responsibilities of the Committee to maintain free and open communication among the Committee, independent auditors, internal audit and compliance leaders, ~~the internal auditors, Compliance Advisory Committee~~, and management of the University. The Committee has such authority as is provided for in the Code of Virginia, the Board Bylaws and as assigned by the Board as a whole.

Composition

The Audit, Compliance and Human Resources Committee will consist of an odd number of members of the Board of Visitors. Committee members and the chair shall be appointed through the normal processes as defined in the Board Bylaws. Members of the Audit, Compliance and Human Resources Committee should have some basic knowledge of generally accepted accounting procedures and financial reporting and controls. Committee members should also have a basic knowledge of compliance programs and human resource management. Members of the Audit, Compliance and Human Resources Committee may serve on the Administration and Finance

Committee; however, a majority of the Audit, Compliance and Human Resources Committee may not serve on the Administration and Finance Committee. The Chair should also not serve on the Administration and Finance Committee.

Meetings

Meetings of the Committee will occur in conjunction with regular meetings of the Board of Visitors, which happen no less frequently than four times each year on such dates and in such places as may be set by the Rector and the Board of Visitors. The Committee will have the authority to convene additional meetings as circumstances require. All committee members are expected to attend each meeting – in person or via teleconference or videoconference. The Committee will invite members of management, auditors, or others to attend meetings and provide pertinent information, as necessary. It will hold private meetings with auditors (see below) and executive sessions. Meeting agendas will be prepared and provided in advance to members, along with appropriate briefing materials. Minutes will be prepared and distributed in advance of subsequent meetings.

Responsibilities

The Committee's general responsibilities are defined in Section 4.02 (d) of the Board Bylaws: "The Committee is responsible for (1) oversight of financial reporting and financial statement matters and any critical accounting and reporting issues; (2) reviewing annually the audited financial statements with the external auditors, determining that the administration has been open and has acted in good faith in connection with the audit; (3) oversight of the internal audit function, including receiving reports and approval of the annual audit plan; and (4) reviewing matters of compliance related to the University's human capital infrastructure; and (5) oversight of the University's compliance function."

More specifically, the below are some of the duties of the Committee:

Financial Statements

- Receive entrance and exit communications with the external auditors regarding their annual audit of the University and any other communications as necessary.
- Review with management and the external auditors the results of the audit, including any difficulties encountered.

Internal Control

- Consider the effectiveness of the University's internal control system, including information technology security and control.
- Understand the scope of internal and external auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.
- Determine whether internal control recommendations made by internal and external auditors have been implemented by management.

Internal Audit

- Review with management and the Chief Audit Executive the charter, plans, activities, staffing, and organizational structure of the internal audit function.
- Approval annual internal audit plans.
- Periodically review and update the internal audit function's audit charter.
- Ensure there are no unjustified restrictions or limitations, and review and concur in the appointment, replacement, or dismissal of the Chief Audit Executive.
- Review the effectiveness of the internal audit function, including compliance with The Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*. This includes receiving the results of periodic peer reviews conducted on the internal audit function.
- Review the results of significant audit activities, audit reports, and management responses, and ensure the Committee is informed about fraud, illegal acts, deficiencies in internal control and other audit-related matters.
- Monitoring the adequacy and timeliness of corrective actions taken in response to audit activities.
- On an as needed basis, meet separately with the Chief Audit Executive to discuss any matters that the Committee or internal audit believes should be discussed privately.

External Audit

- Review with management and the external auditors all matters required to be communicated to the committee under generally accepted auditing standards.
- Review the external auditors' proposed audit scope and approach, including coordination of audit effort with internal audit.
- Monitor audits performed by the external auditors.
- On an as needed basis, meet separately with the external auditors to discuss any matters that the Committee or auditors believe should be discussed privately.

Compliance

- Support leadership by promoting an institutional culture of ethical conduct and adherence to compliance requirements, ensuring appropriate resources to fulfill compliance requirements and expectations.
- Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of noncompliance, helping enforce accountability for compliance expectations.
- Review the findings of any examinations by regulatory agencies and any other auditor observations.
- Review the process for communicating the code of ethics to university personnel and for monitoring compliance therewith.
- Obtain regular updates from management, internal audit, the compliance function, and University legal counsel regarding compliance matters.

Human Resources

- Receive updates on new and revised policies having campuswide implications.
- Review annual succession planning goals in accordance with Code of Virginia § 2.2-1209.
- Periodically review employee census data reports.
- Receive annual updates on mandatory Commonwealth of Virginia reporting requirements including telework, classified employee turnover, and the employment opportunities plan for hiring people with disabilities.

Reporting Responsibilities

- Regularly report to the Board of Visitors about committee activities, issues, and related recommendations.
- Provide an open avenue of communication between internal audit, the external auditors, and the Board of Visitors.

Other Responsibilities

- Perform other activities related to this charter as required by the Board of Visitors.
- Review and assess the adequacy of the committee charter annually, requesting board approval for proposed changes, and ensure appropriate disclosure as may be required by law or regulation.
- Confirm annually that all responsibilities outlined in this charter have been carried out.
- Chair shall evaluate the Committee's performance and individual member participation on a regular basis.

Committee members discussed the declining attendance at Board meetings and whether the option to attend remotely should be reconsidered. Ms. Dickeski said that a quorum of the full Board – nine members – must be physically present to conduct business and to allow others to participate via Zoom. Mr. Wilson said that State law allows members of the Board to attend meetings through electronic means in accordance with the policy adopted by the body. It also allows for a full meeting of the Board through electronic means in accordance with that policy. President Hemphill asked the Committee to keep in mind that there are legitimate reasons for individuals to miss Board meetings on occasion.

Following discussion, the Chair asked Mr. Wilson to share with Committee members any sections of the Board's Bylaws or any policies that discuss Board attendance. This will be placed on the Governance Committee agenda as a discussion item at its meeting on June 13.

With no further business to discuss, the meeting was adjourned at 11:54 AM.

NUMBER: 1530

TITLE: Code of Student Conduct

APPROVED: August 27, 1970; Revised April 5, 1979; Revised April 6, 1984; Revised February 14, 1985; Revised February 12, 1987; Revised December 8, 1994; Revised June 20, 1996, Revised June 18, 1998; Revised June 17, 1999; Revised September 14, 2000; Revised June 16, 2001; Revised December 10, 2004; Revised April 7, 2006; Revised June 13, 2008; Revised June 17, 2010; Revised September 15, 2011; Revised June 14, 2012; Revised December 3, 2015; Revised June 3, 2022

SCHEDULED REVIEW DATE: June 2027

I. INTRODUCTION AND PURPOSE

Old Dominion University ("the University") is committed to the holistic development of its students, fostering an environment that is safe, secure, and inclusive. This commitment encourages student accountability, academic integrity, student engagement, and success. The University expects students and student organizations/groups to uphold and follow the behavioral standards of the Code of Student Conduct ("the Code"). These behavioral expectations are embodied within core values, including personal and academic integrity, fairness, respect, community, and responsibility. The student accountability process exists to protect University interests and educate and respond to students and student organizations/groups whose behavior does not align with those expectations. Additionally, students and/or student organizations/groups may be held accountable for the behavior of their guests/visitors.

II. OBJECTIVES

- A. Define clear behavioral expectations for all Old Dominion University (ODU) students in Norfolk, surrounding cities, and globally inside and outside the classroom.
- B. Promote an environment that provides the best academic integrity and learning opportunities.
- C. Facilitate a fair and equitable process to hold students accountable for violations of the Code.
- D. Protect the educational pursuits, health, and safety of all students.

- E. Educate the campus community about the behavioral expectations for students and student organizations/groups.

III. AUTHORITY

Old Dominion University is governed by its Board of Visitors and supported by the Commonwealth of Virginia. The Board is expressly authorized to establish rules and regulations for the behavior of students in accordance with [Virginia Code Section 23-1301](#), as amended.

The Assistant Dean of Students and Director of Student Accountability & Academic Integrity ("Assistant Dean") is the University official with primary responsibility for administering the student accountability process. The Assistant Dean may delegate all or part of this responsibility to other persons and take any necessary action to ensure fairness. If there is no Assistant Dean, the Vice President for Student Engagement & Enrollment Services or Dean of Students/Associate Vice President of Engagement will designate a university official to oversee this responsibility.

Faculty are responsible for managing the classroom environment and may direct a student to leave the class if the student engages in disruptive behavior. Longer separations from a class must be preceded by a student accountability meeting. Faculty who encounter disruptive classroom behavior are encouraged to follow the procedures outlined in the [Guidelines and Policy on Dealing with Disruptive Students](#) published in the Faculty Handbook. A student dismissed from class may be required to meet with a department chair, program director, faculty member, or the Assistant Dean or designee before the student may return to class.

Unless specifically noted in the Code, the Office of Student Accountability & Academic Integrity has no authority over decisions made by faculty or staff in academic programs, departments, or professional schools. The Code does not include decisions made by faculty about a student's character or professionalism needed for getting a degree or certificate, staying in a program, keeping an assistantship, or other things usually decided by faculty.

Policies on Discrimination and Sexual Misconduct

Policies regarding discrimination may be found in [University Policy 1005: Discrimination Policy](#) and policies regarding sexual misconduct violations in [University Policy 1008: Policy on Title IX and Sexual Misconduct](#).

IV. APPLICABILITY

Because the Code is based on shared values, it sets a range of expectations for university students, their guests and visitors, and student organizations no matter where or when their behavior may occur. The following are general categories of the applicability of the Code:

- A. Jurisdiction:** The University reserves the right to investigate and resolve reports of alleged misbehavior that fall within its jurisdiction. The Code applies to the following situations:
- a. Incidents involving undergraduate, graduate, professional, and online students, a group of students, or a student organization/student group (academic or social) associated with any college, school, department, or the University as a whole. The University reserves the right to investigate and adjudicate through the student accountability process any enrolled and/or registered students who allegedly violate the Code before attending their first day of classes.
 - b. The Code applies to online learning, and the prohibited behavior in this document will be applied to the in-person classroom environment, online classroom environment, study abroad, internships, and the clinical learning environment.
 - c. Incidents occurring from the time a student is enrolled or registered for study at the University for any academic period until their withdrawal from the University or conferral of a degree. Covered incidents include but are not limited to those occurring:
 - i. During the academic year, before classes begin or after classes end, while pursuing credits earned off-campus (study abroad, internships, co-ops, etc), or while suspended, or off-campus when the violation adversely affects legitimate University interests.
 - ii. If a student's enrollment lapses for more than one calendar year, based on a student's voluntary decision not to enroll, that student will no longer be subject to disciplinary action. If a student withdraws from the university with a pending case, they will have the opportunity to participate in their student accountability meeting, or it may be held in their absence. However, students separated from the university for academic or disciplinary reasons are still considered students for disciplinary purposes, regardless of the separation's duration.
- B. Reporting of Violations:** Those aware of an alleged code violation are encouraged to report it promptly to the Office of Student Accountability & Academic Integrity and/or University Police.

- C. **Third-Party Misbehavior:** University guests, including those within its residence halls, are expected to follow all University policies. This includes virtual guests. Students are responsible and accountable for their guests' and animals' misbehavior. Student organizations are likewise responsible for ensuring compliance with the Code by their members and guests. The Code also protects visitors and guests and may initiate complaints for alleged violations of the Code allegedly committed against them by students.
- D. **Student Organizations and Groups:** The Code applies to the behavior of individual students, student organizations, and student groups. Specifically, the behavior (which may be intentional or unintentional action) must involve five or more members of a student group or organization. Members may be general members, officers, new/associate members, or alums.

V. DEFINITIONS

- A. **Academic Exercise:** All forms of work (oral, written, electronic, or otherwise) submitted as a draft, extra credit, or for credit, grading, continuance, graduation, honors, awards, scholarships, or recognition at the University as well as materials submitted to other institutions, associations, or organizations for evaluation (e.g., awards, scholarships, or publication). The term "Academic Exercise" does not include "[Misconduct in Scientific Research and Other Scholarly Activity](#)" as defined in the Teaching and Research Faculty Handbook policy: [Policy, Procedures and Timeline for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity](#). However, students found to violate the policy may be referred to the Office of Student Accountability & Academic Integrity for application of pathway projects under this Code. For the purpose of the Code, any pathway project issued by the Office of Student Accountability & Academic Integrity will also be considered an academic exercise.
- B. **Amnesty:** Exemption from Code of Student Conduct charges for behavior related to use and/or possession of alcohol or drugs if help is sought by another ODU student or the student themselves during the incident. Students granted amnesty may be required to complete educational activities or meet other conditions. Amnesty granted under the Code does not prevent action that a law enforcement agency may take.
 - a. **Title IX Incidents:** Students involved in Title IX-related incidents will generally be granted amnesty when the incident includes the use or possession of alcohol or drugs and/or other minor behaviors.
 - b. **Hazing Reporting Immunity:** To remove any behavior(s) or action(s) that degrades, intimidates, or endangers the health, safety, and well-being of any

individual in our community, individual(s) who report an ongoing or pending act of hazing shall be provided immunity from disciplinary action for hazing or for their personal consumption of alcohol or other drugs occurring at the time of the reported incident providing:

a) The disclosure is made by a survivor of or bystander who is not an active participant in such acts and

b) The disclosure is a good faith report of hazing made before or during an incident.

- C. **Appeals Reviewer:** University official(s) designated to review appeals of findings associated with the resolution process and/or outcomes. The Appeals Reviewer may not investigate or be involved in the case adjudication.
- D. **Behavioral Status:** A designation assigned to a student or student organization/group that violates the Code and informs them of their behavioral standing with the University.
- E. **Board Chairperson:** Facilitator of a University Accountability Board meeting.
- F. **Business Day:** Any weekday the University is open, regardless of whether classes are in session.
- G. **Crime of Violence:** Any incident involving arson, assault, burglary, robbery, homicide, sex offenses, destruction/damage/vandalism of property, and kidnapping/abduction.
- H. **Complainant:** The individual or group affected by the alleged incident or who reported the incident.
- I. **Conduct Educator:** A staff member trained in the student accountability process to resolve cases and has the authority and responsibility to assign pathway projects in an efficient, consistent, fair, and educationally meaningful manner. The Conduct Educator reserves the right to assign the most appropriate pathway project.
- J. **Consent:** As defined in [University Policy 1008: Policy on Title IX and Sexual Misconduct](#), is knowing, voluntary and clear permission, by word or action, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts.
- K. **Faculty Member:** Full-time or part-time university official who facilitates classroom, lab, or teaching activities, including practica/internships.
- L. **Final Resolution:** The outcome of a non-appealed accountability meeting or an appeal response.
- M. **Guest/Visitor:** Any person who is not a student, staff, or faculty member or any member of the University community, whether invited or uninvited, including but not limited to parents, guardians, or friends.

- N. **No Contact Directive (NCD):** A written communication sent or delivered to the student that prohibits direct, indirect, or third-party contact (e.g., physical, written, verbal, telephone, electronic communication, or any other contact) between parties.
- O. **Notice:** Written communication sent to a respondent, complainant, or other participant in an accountability case. Notice will be sent to a student's official University email address. The Student Accountability Meeting (SAM) or University Accountability Board (UAB) Meeting notice will include the alleged prohibited behavior, the date and location of the alleged incident, and information about the accountability meeting sent to the respondent's ODU email.
- P. **Pathway Navigators:** Students who serve as a confidential resource to students participating in the student accountability process; these students also serve as accountability partners to ensure pathway plans are completed. A Pathway Navigator is optional for students participating in the student accountability process.
- Q. **Pathway Plan:** The letter the student receives when they have concluded their Student Accountability Meeting or University Accountability Board Meeting.
- R. **Pathway Project:** An educational activity assigned by the Conduct Educator or selected by the student if they accept responsibility for a policy violation. Students who meet with the University Accountability Board will not choose their pathway projects.
- S. **Possession:** Control over an object (physical or electronically) with or without regard to ownership. A student may be in possession of an object when their personal information is on it or when it is in a place that the student controls, such as an assigned space or common area of a suite-style apartment.
- T. **Preponderance of the Evidence:** The standard of evidence used in determining violations of the Code. This means that, based on the evidence provided, it is more likely than not that a violation occurred.
- U. **Resolution Letter:** The letter a student receives when they are found not to be in violation of the Code.
- V. **Respondent:** Any individual or student organization/group reported for allegedly violating the Code.
- W. **School Day:** Any weekday the University is open and classes are in session.
- X. **Student:** An individual enrolled or registered for study at the University for any academic period, including periods between academic sessions. A person shall also be considered a student during any period while the student is under suspension from the institution or when the person is attending or participating in any activity before attending classes, including, but not limited to, fraternity or sorority recruitment, orientation, placement testing, and residence hall check-in. Students

who withdraw from the University after allegedly violating the Code will be considered "students" for the purposes of resolving alleged violations.

- Y. **Student Accountability Meeting (SAM):** A meeting with a Conduct Educator to resolve any alleged violations of the Code.
- Z. **Student Group:** Any assembly of five students with a common interest organized to work or act together but are not recognized, associated, or registered, or are not required to register, as a student organization (e.g., athletic teams, musical or theatrical ensembles, other clubs, etc.).
- AA. **Student Organization:** Any assembly of five students from a recognized, associated, or registered organization according to the Student Organization handbook with a common interest organized to work or act together (e.g., club sports, fraternities, sororities, etc.).
- BB. **Support Person:** A person chosen by the complainant or respondent to join them during a SAM or University Accountability Board meeting but who may not actively participate in the meeting.
- CC. **Trespass Order:** A formal notification from the ODU Police Department that prohibits an individual from entering or remaining on campus property, outlining any conditions and restrictions with the order.
- DD. **University Accountability Board (UAB):** A collection of trained faculty, staff, and students with authority to investigate and resolve alleged violations of the Code, including academic integrity cases, and to impose pathway projects for violations. The UAB can hear academic and non-academic cases.
- EE. **University Activity:** Any activity authorized, sponsored, or supervised by the University occurring on or off university premises.
- FF. **University Community:** Any student, faculty or staff member, University official, or other person employed by the University.
- GG. **University Official:** Any person given authority by the University to perform administrative or professional responsibilities (e.g., faculty, staff, University police, resident/community assistants, hall directors, and graduate/teaching assistants).
- HH. **University Premises:** All land, buildings, facilities, digital environments, and other property in possession of, owned, rented, controlled, or used for the 'institution's educational purposes.
- II. **Witness:** Someone with direct, personal knowledge of the incident. Witnesses do not have other roles in the meeting (e.g., support person, advisor). They may only be present during the witness portion of the meeting. The respondent may submit questions to be asked of a witness to the Conduct Educator/Board Chairperson to ask on their behalf. Character witnesses are not permitted.

VI. General Rules

- A. Incident Reporting:** There is no time limit on reporting incidents; however, it may be difficult for the University to obtain information and witness statements and make a determination regarding alleged violations as time progresses after an incident. While anonymous reports may be challenging to investigate, the University takes all concerns and reports seriously. Reports can be made using the [Incident Report Form](#). Incidents involving sexual harassment, including but not limited to sexual assault, stalking, dating and/or domestic violence, and sexual exploitation, should be reported directly to the Office of Institutional Equity & Diversity -Title IX Coordinator. [University Policy 1008: Policy on Title IX and Sexual Misconduct](#) addresses the Title IX Coordinator's review of incidents of this nature.
- B. Student Organizations/Groups:** The student organization accountability process may look different from the process that individual students experience due to the nuance and possible complexity of student organization cases. Notice for student organizations/groups will be emailed to the organization/group's representative (e.g., president/representative/captain on file with the Office of Student Engagement & Traditions, Recreation & Wellness, and University Intercollegiate Athletics).
- C. Academic Integrity Incidents:** Incidents related to academic misbehavior will follow the procedures outlined in the Academic Integrity Procedures.
- D. Location of Violation:** The Code also applies to behavior occurring off University premises when the Office of Student Accountability & Academic Integrity determines that the behavior affects a substantial University interest. A substantial University interest is any factor that adversely affects the University's mission and may include, but is not limited to, the following:
- 1. Crimes:** Violations, including allegations, of any local, state, federal law, or city ordinance. The student accountability process may be carried out prior to, concurrently with, or following criminal proceedings. Determinations made or measures of accountability imposed under this Code will not be subject to change because criminal charges arising out of the same set of facts were dismissed, reduced, or resolved in criminal court. The University may delay its investigation and/or meeting if information is unavailable due to criminal proceedings. The University may impose an interim suspension and determine what information is sufficient to proceed.
 - 2. Health & Safety Concerns:** Any behavior of a student or student organization/group posing a substantial and immediate threat to the University community or the stability and continuance of normal University functions.

3. **Infringements:** Significantly infringing upon the rights, property, or achievements of self or others or significantly disrupting the university community.

VII. Special Rules

- A. **Student-Athletes:** As an NCAA member institution, student-athletes must comply with the Code of Student Conduct and all applicable rules and regulations of the NCAA and Conference partners, as published in the University Student-Athlete Handbook. The Director of Athletics and the Office of Student Accountability & Academic Integrity may impose accountability measures for any NCAA violation that also violates the Code. Incidents under this provision will be reported annually to the Board of Visitors in accordance with the [Code of Virginia § 23.1-1303](#).
- B. **Residence Halls:** This Code applies to all students, including those who live in or visit residence halls and apartment communities owned or controlled by the University. Misbehavior occurring in university-owned or controlled residence halls or apartment communities will typically be addressed by Conduct Educators in Housing and Residence Life, regardless of where individual students live. The Assistant Dean, or designee, has authority over all case assignments.
- C. **Students in Professional Clinical Programs:** For students enrolled in a professional clinical program, including but not limited to the School of Medicine, Physician Assistant, Surgical Assisting, Pathologist Assistant, Art Therapy, and Occupational Therapy, who accept responsibility or are found in violation for one or more policy violations, notification of the student's status and assigned accountability measures will be reported to their academic program for further review.

VIII. Prohibited Behavior

The following prohibited behavior applies to students, student organizations/groups, and/or guests/visitors. The University will treat attempts to commit any of the prohibited behaviors listed in the Code as if those attempts had been completed. Being in the presence of others violating the Code is not in and of itself a violation, absent acts of assistance or encouragement.

Violations of [University Policy 1008: Policy on Title IX and Sexual Misconduct](#), which covers sexual harassment and sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking will be referred to the Title IX Coordinator in the Office of Institutional Equity & Diversity.

Academic Misbehavior

- A. **Academic Sabotage:** An intentional effort to corrupt or negatively impact another student's academic work.

- B. **Cheating:** Copying, collaborating, or completing an academic exercise with or for other students or parties without permission from the class-assigned faculty member; paying someone to complete assignments; using any unauthorized materials to assist on assignments; misusing study aids such as Chegg, Quizlet, Course Hero, etc., to complete or pass class assignments; using test banks or copying answers from another source or student. **This also includes unauthorized use of artificial intelligence sites including, but not limited to, ChatGPT, Dall-E, Alpha Code, Tensor Flow, Scribe, etc., and any act or behavior that gives the student an unfair advantage.**
- C. **Fabrication:** Inventing, altering, falsifying, creating data, citation, or information in an academic exercise or for any improper purpose. Knowingly presenting false or falsified official documentation such as transcripts, doctor's notes, supervisor evaluations, application materials, etc.
- D. **Facilitation:** Helping another person participate in any act of academic misbehavior (including, but not limited to, sharing course materials without permission.
- E. **Misrepresentation:** Misleading an instructor as to the condition under which the work was prepared, including, but not limited to, undisclosed Artificial Intelligence (AI) use, substituting for another student, or permitting another person to substitute for oneself on any academic work.
- F. **Plagiarism:** Intentional or unintentional use of someone else's scholarly or academic work, language, ideas, or other material as your own without proper citation in an academic exercise (whether reproduced or presented verbatim or in paraphrased or summary form); recycling a previous assignment as a new assignment without appropriate citation or notification and approval from faculty members.

Non-Academic Misbehavior

- G. **Alcohol.** The unlawful production, consumption, distribution, possession, provision, or use of alcohol or alcohol paraphernalia, including public drunkenness; attendance or class participation in an academic setting while under the influence of alcohol; or any violation of [University Policy 6603](#).
- H. **Abuse of Animals.** Any intentional or reckless act that causes harm, suffering, distress, or death to an animal.
- I. **Assault.** Any physical attack on another person, including but not limited to choking, fighting, punching, slapping, striking, causing injury by animals, or any other form of contact resulting in physical harm.
- J. **Classroom Disruption.** Any disruptive or disorderly behavior that disturbs the classroom instructional environment (in-person or virtual classes or interrupts the facilitation of intended learning outcomes.)

- K. **Damaging Property.** Destroying, damaging, defacing, or vandalizing University property or the property of others.
- L. **Dishonesty:** Intentionally providing false, fraudulent, deceptive, or misleading information to University officials, faculty, or staff; forgery; falsification of documents; unauthorized duplication or distribution of university-issued keys or other University property.
- M. **Disorderly Conduct.** Behavior that creates a hostile, frightening, or intimidating environment or threatens the physical health, safety, or well-being of others. This behavior can include loud, unnecessary, unusual, disruptive, or continuous noise that disturbs the peace.
- N. **Drugs and Paraphernalia.** The unlawful creation, cultivation, growing, manufacturing, distribution, possession, or sale of any counterfeit, controlled, dangerous, illegal, or mind-altering drugs or prescription medication, including but not limited to Adderall, cannabis/marijuana, crack, cocaine, ecstasy, meth, etc.; the unlawful creation, manufacturing, distribution, possession, or sale of any drug paraphernalia (pipes, bong, etc); any violation of [University Policy 6603](#).
- O. **Failure to Comply.** Refusal to cooperate with or appropriately respond to a reasonable request by a University Official or law enforcement officer; failure to accurately identify oneself; disregard of a University policy, directive, regulation, or procedure.
- P. **Fire and Safety.** Changing, damaging, disabling, or misusing fire safety equipment; failing to immediately exit any university building when a fire alarm or other emergency notification has sounded; unauthorized use, possession, or tampering with University fire safety equipment; unauthorized use or possession of fireworks or explosive materials; intentionally or recklessly causing a fire; causing a false fire alarm or report; and misuse of emergency call boxes.
- Q. **Harassment.** Ongoing, unwelcome, aggressive, or intimidating behavior through physical contact or verbal, written, or digital-based (cyberbullying) communication that causes psychological or physical harm to another person.
- R. **Hazing.** Recklessly or intentionally endangering the health or safety of a student or students; or to inflict bodily injury on a student or students in connection with or for initiation, admission into, or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity. This includes endangering any person's mental or physical health and safety, whether or not the individual subjected to such behavior has "consented" to it, and any violation of the [University Hazing Policy](#).
- S. **Housing and Residence Life Community Standards.** Any violation of the community living standards as described in the Guide to Living on Campus, including, but not

- limited to, community living standards, prohibited items, unauthorized key usage, noise, visitation, etc.
- T. **Impersonation.** Acting or pretending to be someone else, including as a University Official, with the intention to deceive, manipulate, or mislead others.
 - U. **Interference with Freedom of Expression.** Any attempt to interfere with or suppress anyone's right to free expression or right of free assembly or any violation of University Policies [1011](#) and [1700](#).
 - V. **Misuse of Information Technology Resources.** Any unauthorized attempt to access or use University computers, networks, systems, programs, or data, including manipulations and fraudulent transmissions; any action that interferes with the proper functioning of systems or adversely impacts another user's rights, including but not limited to student or employee privacy; unauthorized download, creation, sale, posting, transfer, access, reproduction, or distribution of copyrighted or class material; any other violations of the [ODU Digital Millennium Copyright Act](#), or University Policies [3003](#) and [3500](#).
 - W. **Misuse of Official Identification:** Purchasing, possessing, selling, or using fake or altered identification or another person's state identification or license; sharing or using another student's University student ID card, number, or MIDAS ID; or allowing the use of your University-issued student ID card, number, or MIDAS ID.
 - X. **Pets.** Possession of unapproved pets or animals in a university building.
 - Y. **Retaliation.** Discriminating against, intimidating, threatening, coercing, or harassing any person because the person reported, complained, testified, assisted, participated, or refused to participate in an investigation, proceeding, or meeting authorized by law or University policy.
 - Z. **Sexual Harassment or Sexual Misconduct.** Any behavior prohibited by [University Policy 1008: Policy on Title IX and Sexual Misconduct](#). Sexual misconduct also includes any form of unwelcome, non-consensual sexual contact, including touching an unwilling person's private parts (defined as genitalia, groin, breast or buttocks or clothing covering them), forcing an unwilling person to touch another's private parts, sexual exploitation, voyeurism and indecent exposure of ones' private parts.
 - AA. **Smoking, Tobacco, and Vaping.** Smoking or vaping of any kind inside or within 25 feet of building entrances and exits to a University facility; underage use or possession of tobacco or possession in a prohibited area; any violation of [University Policy 3220](#); and any use of tobacco, smoke, or vaping where smoking is strictly prohibited on portions of campus.
 - BB. **Stealing.** Taking or borrowing a thing of value or property (including intellectual property) from its owner without permission.
 - CC. **Threat.** An act, statement, or expression intended to cause damage, fear, injury, pain, or other intimidating action during an incident or altercation.
 - DD. **Unauthorized Entry.** Entering into or using University buildings, equipment, or property of others without permission.

- EE. **Unauthorized Recording.** The creation, use, maintenance, display, or transfer of any recording (including audio, video, etc.) without permission where there is a reasonable expectation of privacy.
- FF. **Weapons.** Except as expressly authorized by law, possessing or using dangerous items on University property including, but not limited to, firearms, guns, knives (larger than the approved blade length), tasers, stun guns, BB guns, replicas, nun chucks, or other devices designed to eject shells at a high rate of speed; any violation of the [Gun and Weapon Regulation](#).
- GG. **Violating Law or University Policy.** Violating any local, state, or federal law or any [University policy](#).

IX. Student Rights and Responsibilities

The University protects and provides certain rights for students, and as members of the University community, students accept specific responsibilities.

Student Rights

All Respondents are provided the following rights throughout the university student accountability process:

- a. Right to receive written notification of any alleged violation against them via their University email address including a general summary of the complaint (when facing potential suspension or expulsion), contact information of their Conduct Educator to receive additional information, and the date by which such contact must occur.
- b. Right to receive no less than three (3) business days' notice of student accountability meeting date.
- c. Right to request reasonable accommodations with the Office of Educational Accessibility.
- d. Right to a fair, confidential, and objective accountability meeting.
- e. Right to read and review the incident or police report prior to the meeting date.
- f. Right to share their perspective of the incident that led to the allegations.
- g. Right to select the advisor of their choice who can also serve as a support person.
- h. Right to have relevant witnesses.
- i. Right to not attend the meeting and have the Conduct Educator or University Accountability Board make a decision with the information available to them.
- j. Right to receive notice of the outcome of their meeting.
- k. Right to have five (5) business days to appeal the decision and be informed of the appeal procedures.

Student Responsibilities

All Respondents are expected to uphold these duties and responsibilities throughout the university student accountability process:

- a. Understand and follow all university policies and procedures, including but not limited to the Code of Student Conduct.
- b. Consistently check their university-issued email address as this is the University's official means of communication with students; students are responsible for reading all official communications delivered to their university email address.
- c. Be truthful, cooperative, and forthcoming during the student accountability proceedings.
- d. Complete any pathway projects by the assigned due date.
- e. Not attempt to disrupt or otherwise interfere with any student accountability proceeding.
- f. Members of student organizations/groups are expected to promptly report alleged violations by other members of the student organization/group of the Code or other University policies to the Office of Student Accountability & Academic Integrity, including the following information: a detailed description of the concerning behavior, including date, time, and location, and the name(s) of any individual(s) involved.

X. Student Accountability Process

The [Office of Student Accountability and Academic Integrity](#) follows the steps below to address behavior that possibly violates the Code. Please note that every incident is different, and each incident's context, severity, and complexity may vary. Unique circumstances, especially those related to health and safety, may lead the office to move forward in the best way possible with the information available at the time. The Office of Student Accountability and Academic Integrity has sole discretion in the steps taken in particular cases.

The student accountability process is educational and wholly different from the legal or criminal process. Students may find themselves participating in both processes.

A. Individual Student Accountability Process

1. Whenever the Office of Student Accountability & Academic Integrity receives reports from the Old Dominion University Police Department, Housing and Residence Life, students, faculty members, staff members, administrators, community members, or a concerned party, the office reviews the report to determine if the behavior may be a possible violation of the Code of Student Conduct.
2. If the office determines a possible violation of the Code of Student Conduct, a Student Accountability Meeting (SAM) notification letter is sent to the student(s) involved in the incident. The letter will include the date(s) of the alleged incident (if known) and the date, time, and location of the SAM.
3. The student will meet with their Conduct Educator or the University Accountability Board (UAB) to share their perspective of the incident. If the student accepts responsibility for the alleged policy violations, the student will have the opportunity

to select their pathway projects. If the student does not accept responsibility for the alleged policy violations but is found in violation of the Code, the Conduct Educator will assign their pathway projects.

4. Following the SAM, the student will receive an email detailing the selected or assigned pathway projects and their due date for completion. Students who accept responsibility for policy violations and those who do not but are found in violation of policy will receive a letter titled Pathway Plan. The Pathway Plan will include the findings for each violation, the selected pathway projects, or any assigned pathway projects.
5. The Pathway Plan will detail how the student can appeal the decision. Students will have five (5) business days to appeal the decision of their Conduct Educator or the UAB.
6. The Office of Student Accountability and Academic Integrity uses the preponderance of the evidence as the standard of evidence when making decisions in student accountability cases. This means if the evidence shows that it is more likely than not that a violation of the Code occurred, the student or student organization/group will be found in violation.
7. The outcome of a SAM is considered part of the student's education record. The Family Educational Rights and Privacy Act (FERPA) protects it from unauthorized disclosure. However, the University may release the final resolution of any student accountability meeting without the student's prior consent in the following circumstances:
 - a. Complainants in sexual misconduct, sexual harassment, stalking, dating violence, domestic violence (i.e., Title IX), and other gender-based incidents will be informed of the outcome, appeal options, and appeal outcome of any complaint in writing, without condition or limitation.
 - b. Complainants of a crime of violence or non-forcible sex offense may request updates using the [Complainant of Crime of Violence Form](#) (or the Complainant's next of kin if the Complainant is deceased). Only the student's name, the finding(s), and any assigned pathway project(s) will be shared. Steps to confirm identity will be taken.
 - c. University officials whose notice requires their action. The faculty member will be notified of the final resolution to assign an appropriate grade in all academic integrity cases.

B. Student Organization/Group Accountability Process

1. Whenever the Office of Student Accountability & Academic Integrity receives reports from the Old Dominion University Police Department, Housing and Residence Life, students, faculty members, staff members, administrator, community member, or a

concerned party about a student group or student organization, the office reviews the report to determine if the behavior may be a violation of the Code of Student Conduct.

2. If the office determines that there is a potential violation and/or the health and safety of students are threatened, the office may issue a cease and desist directive, an interim suspension, or whatever other interim action is necessary to protect students. The directive will be sent to the student organization president, representative, or designee.
3. If it is determined that an investigation must occur, the student organization president, representative, or designee will receive written communication from the Office of Student Accountability & Academic Integrity via their ODU email address notifying them of an investigation. The notice of investigation shall include the date of the incident(s) or activity(ies) and the alleged policy violation(s).
4. The notification will inform the student organization president, representative, or designee that members will be selected randomly to interview with the Office of Student Accountability & Academic Integrity. All requested members of the organization shall appear at the designated location during the time requested. Only Class schedules will be taken into consideration and addressed accordingly. *Any individual refusing to cooperate with the Investigation Process may be charged with Failure to Comply.*
5. After the investigation, an investigation summary will be created. The Office of Student Accountability & Academic Integrity will schedule a meeting with the organization's president, designees, and the organization advisor (if available) to review and address the investigation findings.
6. The president will receive a Findings Letter to inform them of the investigation findings. This letter will also outline any concerns the Office of Student Accountability & Academic Integrity has and provide information on the next steps in the process. Student organizations found in violation of the Code of Student Conduct will have two options to resolve their case.
7. The first option is to work with the Office of Student Accountability & Academic Integrity to create an Organization Accountability Agreement (see definition in XII. Resolution Options). The second option is for the Office of Student Accountability & Academic Integrity to determine the accountability measures.
8. If a Student organization is found in violation of additional policies after an Organization Accountability Agreement (OAA) has been implemented or other measures of accountability have been assigned, the organization will be able to make an amendment(s) to the original OAA or the Office of Student Accountability & Academic Integrity will add additional measures of accountability.

- a. In certain situations, the Office of Student Accountability & Academic Integrity reserves the right to withdraw the student organization's option of working on an Organization Accountability Agreement.

XI. Interim Actions

Based on the nature and circumstances of the referral, the Vice President of Student Engagement & Enrollment Services, Dean of Students/Associate Vice President of Engagement, the Office of Student Accountability & Academic Integrity, or designee may authorize interim measures or take administrative action to ensure continuity of University operations, maintain safety, order and the well-being of the University Community. These measures and actions include, but are not limited to:

1. **Interim Suspension:** A student's immediate and temporary separation from the University. Such separation prohibits attending any classes (in-person or virtual), events, other University functions, or visiting any University grounds or buildings (including Residence Halls) unless by advanced written permission from the Office of Student Accountability & Academic Integrity. The interim suspension also restricts any privileges for which a student might otherwise be eligible as a student of Old Dominion University. The interim suspension shall remain in effect until rescinded in writing or their case has reached a final resolution. The process includes the following:
 - a. A determination is made that a student's behavior is considered a concern for the health or safety of the campus community.
 - b. The Office of Student Accountability & Academic Integrity will send a letter notifying the student of their interim suspension.
 - c. The student will have the right to appeal their interim suspension to an Appeals Reviewer to determine whether their continued presence poses a substantial and immediate threat to the health or safety of the University community. The student must complete the [Interim Suspension Appeal Form](#). The decision of the Appeals Reviewer will be final.
 - d. A Student Accountability Meeting (SAM) will be scheduled as soon as possible to resolve any matters that significantly impact the student's ability to reasonably participate in the pursuit of their degree.
2. **No Contact Directives (NCD):** Written communication emailed to the student that prohibits direct, indirect, or third-party contact (e.g., physical, written, verbal, telephone, electronic communication, or any other contact) between parties.
 - a. Students may request no-contact directives, or the Office of Student Accountability & Academic Integrity can issue them without a request if the office deems it necessary to prevent an incident from escalating.

- b. The Office of Student Accountability & Academic Integrity has the authority to deny a request for an NCD if it determines that an NCD is unnecessary based on the information it has received.
 - c. Either party can request the directive be lifted, but each party must agree. If both parties do not agree, the directive will stay in place.
 - d. The Office of Student Accountability & Academic Integrity has the authority to lift an NCD at any time if it is determined the circumstances under which it was issued are no longer present.
3. **Holds on Student Account:** The Office of Student Accountability & Academic Integrity may apply a hold to a student's account that prevents class registration and graduation. Situations in which holds may be applied include but are not limited to the following:
- a. The student fails to complete pathway projects by assigned due dates.
 - b. The student has been issued an interim suspension.
 - c. The student is suspended and has a pending re-enrollment meeting.
 - d. The student is not presently enrolled and a SAM is pending.
 - e. The student has been expelled.
 - f. The student has a pending student accountability matter that must be resolved.
4. **Campus Restriction:** When a student is temporarily restricted to traveling and accessing only the necessary campus areas directly tied to pursuing their degree, their basic needs, and reasonable public spaces on campus.
- a. A determination is made that a student's behavior is considered a concern for the health or safety of the campus community but does not rise to the level where the individual needs to be placed on interim suspension.
 - b. The Office of Student Accountability & Academic Integrity will send a letter notifying the student of their campus restrictions.
 - c. A SAM will be scheduled to resolve the pending matter as soon as possible.
5. **Cease and Desist Directives/Order:** A formal notice to a student organization or group to stop all activities and events due to alleged violations of the Code.
- a. If the Office of Student Accountability & Academic Integrity is notified of alleged violations of the hazing policy or other forms of misbehavior, the president or leader of the organization, group, or team will receive the cease and desist letter on its behalf.
 - b. Depending on the initial information shared with the Office of Student Accountability & Academic Integrity, an investigation may be conducted to resolve the matter.
 - c. The cease-and-desist order will stay in effect until the investigation or another form of resolution has been completed.

6. **Modification of Housing Assignment:** A temporary relocation of individuals involved in an incident where the health, safety, and well-being of others is a concern.
 - a. Housing and Residence Life, the Office of Institutional Equity and Diversity, or the Office of Student Accountability & Academic Integrity may reassign students to temporary housing locations for the best interest of involved parties.
 - b. The student(s) will be informed about the modification of their housing assignment and provided with a sufficient time frame for moving.
 - c. Once the incident is resolved, the student may be returned to their original assignment, or, depending on the outcome, the relocation may be permanent.
7. **Alteration of class or work schedules:** Housing and Residence Life, the Office of Institutional Equity and Diversity, or the Office of Student Accountability & Academic Integrity may work with the necessary parties to alter a student's class or on-campus work schedule if it does not infringe upon that student's rights.

XII. Resolution Options

Informal and formal resolution options are available and may be assigned at the discretion of the Office of Student Accountability & Academic Integrity. When more than one student is involved in the same incident, student accountability meetings may be combined, though separate findings will be made for each student.

1. **Student Accountability Meeting (SAM):** A Student Accountability Meeting is a formal resolution convened to address alleged violations of the Code. During this meeting, the alleged misbehavior is discussed, evidence may be presented, and the student has the opportunity to respond. The goal is to reach a resolution that aligns with the University's policies and fosters a positive campus environment. All student accountability meetings are closed. Conduct Educators will determine the relevance of information and credibility of participants. The Office of Student Accountability & Academic Integrity may offer a SAM waiver, including proposed pathway projects, to a student. If accepted, the student will waive their right to a SAM, take responsibility for the allegations, and accept pathway projects without a SAM.
2. **University Accountability Board Meeting:** The University Accountability Board Meeting is a formal resolution and gathering of Board members tasked with reviewing cases of alleged misbehavior that may require a higher level of assessment. This meeting involves a more structured process where the Board evaluates evidence, listens to the involved parties, and makes decisions regarding accountability and potential pathway projects. It is a more formalized approach to handling serious or multiple violations of the Code.
3. **Information Meeting:** An information meeting is an informal resolution designed to provide students with the opportunity to provide their perspective on an incident that did not formally lead the student to participate in the student accountability process.

However, the behavior still needs to be addressed because if it continues, alleged policy violations can be assigned in the future. The purpose of this meeting is to be educational, allow the Conduct Educator to learn the context of the incident, and intended to assist students in reflecting on their actions and connect them with other campus resources as needed.

4. **Conflict Resolution Meeting:** A conflict resolution meeting is an informal resolution option offered to students and student organizations to address disputes, conflicts, or misunderstandings between individuals within the campus community. This meeting provides a platform for parties involved in the conflict to express their concerns, listen to each other's perspectives, work collaboratively toward a resolution, and move forward from the incident. This meeting is voluntary and students are not required to participate. All parties must agree to participate in the meeting.
5. **Organization Accountability Agreement (OAA):** An OAA is an agreement created in collaboration with the Office of Student Accountability & Academic Integrity and the student organization (and their headquarters or advisor where applicable) to fulfill violation(s) of the Code. The student organization, their advisor, and national headquarters will decide which student leaders are present to participate in creating the OAA with the Office of Student Accountability & Academic Integrity. The OAA cannot be appealed due to the collaborative nature and agreement between the student organization and the Office of Student Accountability & Academic Integrity. The OAA typically needs to be finalized and signed within 60 days, or the Office of Student Accountability & Academic Integrity may move forward without the input of the student organization.

XIII. Appeal Process

1. Only students who attend their Student Accountability Meeting or University Accountability Board Meeting can appeal an outcome. All students have the right to appeal the following behavioral statuses: deferred suspension, suspension, and expulsion. Students who are removed from their housing or dining agreement or have their admission or degree revoked will also have the right to appeal. Appeal procedures for discrimination cases may be found in [University Discrimination Policy 1005](#) and cases involving sexual misconduct in [University Policy 1008: Policy on Title IX and Sexual Misconduct](#).
2. Appeals must be submitted within five (5) business days from the date the Pathway Plan was sent using the [Appeal Submission Form](#). This form requires the student to identify the ground(s) of their appeal and explain their rationale. No appeal will be accepted if this form is not used. An Appeals Reviewer will be assigned to the case. The Appeals Reviewer can be anyone designated by the Assistant Dean. An appeal is the review of the case's facts, process, and evidence and not a re-adjudication of the case. The Appeals Reviewer may uphold, modify, overturn, or return (remand) the case to be reheard with instructions by a different Conduct Educator or composition of the UAB to

remedy errors or consider new information. The decision of the Appeals Reviewer is final.

3. During the appeal window or when a student submits an appeal, all measures of accountability (behavior status, pathway projects, etc.) originating from the original Pathway Plan or Resolution Letter will be on pause and not go into effect until the appeal decision has been made, except when such a delay may pose a health and safety risk to other members of the University community.
4. A student may appeal for the following reasons:
 - a. A behavioral status is either unreasonably harsh or inadequate based on precedent.
 - b. A procedural error that significantly impacted the outcome of the Student Accountability Meeting or University Accountability Board Meeting.
 - c. New and relevant information unavailable at the time of the accountability meeting could have significantly impacted the original decision and accountability measures.
 - d. The Conduct Educator or member(s) of the University Accountability Board had a conflict of interest or bias for or against the complainant(s) or respondent(s) generally or specifically that affected the outcome of the case.

XIV. Behavioral Statuses, Pathway Projects, and Accountability Measures

A behavioral status is the level of accountability that a student is assigned when found in violation of the Code. A behavioral status determines if a student is in good behavioral standing with the university. Behavioral statuses also inform the student of the severity of their incident(s) as it relates to the behavioral expectations of the university. All behavioral statuses will remain on file with OSAAI and as otherwise noted below.

The following statuses and pathway projects may be applied to any student or student organization/group, including, but not limited to.

- A. **Informal Warning:** This status indicates the lowest level violation of the Code has occurred but will not be reported as part of the student's behavioral record. If found in violation of the Code of Student Conduct again, a student can expect an elevated behavioral status, such as a formal warning, behavioral probation, deferred suspension, suspension, or expulsion.
- B. **Formal Warning:** This status indicates a minor violation of the Code has occurred but will not be reported as part of the student's behavioral record. Future violations can result in an elevated behavioral status, such as behavioral probation, deferred suspension, suspension, or expulsion.
- C. **Behavioral Probation:** This status indicates a serious violation or two or more incidents have resulted in Code violations. The student or student organization/group is informed that further violations may result in suspension. This status may prevent a student from participating in other student leadership opportunities that require a student to be in good standing with the University.

Behavioral probation may delay, but not deny participation in other student leadership opportunities.

- D. **Deferred Suspension:** This status indicates a severe violation or multiple incidents have resulted in Code violations. The student or student organization/group has committed a suspendable offense; however, the Conduct Educator or University Accountability Board does not feel the student or student organization/group should be separated from the University. The student or student organization/group is informed that further violations may result in suspension. The student can attend classes normally due to the suspension being deferred and inactive. This status may prevent a student from participating in other student leadership opportunities that require a student to be in good standing with the University. Deferred suspension may delay, but not deny participation in other student leadership opportunities.
- E. **Suspension:** A student or student organization/group is removed from the University for a specified period. When a student is suspended and required to leave the University community due to violations of the Code, he/she/they may not re-enter without a reentry meeting with the Assistant Dean or designee. If a student organization/group is suspended from campus, it does not include individual members unless they are suspended in an individual SAM or UAB proceeding. During a suspension, the student is not permitted to be on university premises or participate in university activities (in person or virtually) without express permission from the Assistant Dean or designee. A registration hold is placed on the student's account during the suspension. A postponement of the implementation of suspension may be appropriate in certain situations or circumstances.
- F. **Expulsion:** Permanent separation from the University with no opportunity for reactivation/re-enrollment. The student is not permitted on university premises or at university activities, in person or virtually, without permission from the Office of Student Accountability & Academic Integrity and will be subject to trespass orders. A registration hold will be placed on the student's account. If a student organization/group is expelled, they will lose their recognition status and all the rights and privileges that come with being a student organization/group, such as university resources or support.
- G. **Educational or Restorative Measures:** Any pathway projects designed to help students reflect or learn from their policy violation.
- H. **Housing Expulsion:** Permanently canceling a student's Housing & Dining Agreement. The student remains financially responsible for the entire cost of the agreement period for the assigned building. The student is not permitted in any residential communities.

- I. **Housing Points:** Points assigned to residential students who violate the Code of Student Conduct, Guide to Living on Campus, or Housing and Residence Life Community Standards for incidents in or near the residence halls.
- J. **Housing Probation:** A status for residential students indicating multiple or serious violations within the residence halls for a specified period. Further violations within or near the residence halls may result in the student being removed from campus housing.
- K. **Housing Reassignment:** A change in a housing assignment.
- L. **Housing Suspension:** A student is removed from their on-campus housing assignment for a specific period of time. The student remains financially responsible for the entire cost of the agreement period for the assigned building.
- M. **Loss of Privileges:** Denial or restriction of privileges for a designated period of time. Loss of privileges may include, but is not limited to, restriction or exclusion from university premises or University activities, or from hosting visitors or guests on university premises; withdrawal or transfer from a course in which the student is currently enrolled.
- N. **Restitution:** Compensation for loss or damage to other's property, university property, funds, or premises applied to a student's financial account.
- O. **Revocation of Admission and/or Degree:** The University may revoke admission or a degree awarded for fraud, misrepresentation, or other violations of institutional standards in obtaining the degree or for other serious violations committed by a student before graduation.
- P. **Transcript Notation:** An official note placed on a student's academic transcript that indicates they have been found in violation of the University's Code of Student Conduct. A transcript notation may be visible to internal and external university community members who can see the student's transcript.

XV. Transcript Notations

- A. **Academic Misbehavior.** The Office of Student Accountability & Academic Integrity may issue a transcript notation for academic integrity violations. If the student has completed all pathway projects and conditions and has not been found in violation for additional violations of a similar nature, the student may request to have the notation removed by completing the [Transcript Notation Removal Form](#). A student may only request to have one notation removed.
- B. **Suspension and Expulsion.** If a student is suspended or expelled from the University, a notation will be included on the student's academic transcript. Notations placed for suspensions will be removed from the transcript one year after the resolution of that incident. Notations for expulsions will not be removed.

- C. **Sexual Misconduct.** In accordance with [Va. Code § 23.1-900](#), the University is required to place a notation on a student's transcript if suspended, dismissed, or expelled from the University after being found in violation of sexual misconduct or where the student respondent withdraws from the University during an investigation for sexual misconduct.

XVI. Student Behavioral Record Retention and Reporting

The Assistant Dean is the official keeper of student behavioral records and has decision-making authority on requested disclosures. The Office of Student Accountability & Academic Integrity retains records for no less than seven (7) years in compliance with the [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act](#). Resolutions resulting in suspension or expulsion will be retained permanently. They may be reported with the student's consent to third-party entities such as graduate or professional schools, employers, military branches, etc., or as required by law. Resolutions resulting in behavioral probation or deferred suspension will be retained for seven years and may be reported with the student's consent upon request to third-party entities such as graduate or professional schools, employers, military branches, etc., or as required by law. Resolutions resulting in formal warnings or lower will not be reported to third-party entities. Records of pending incidents are kept indefinitely. Seven years from the resolution date, all eligible student behavioral records may be destroyed.

XVII: Parent and Guardian Notification

The University believes parents and guardians can be influential and positive partners in encouraging healthy behaviors focused on student success. The [Family Educational Rights and Privacy Act \(FERPA\)](#) allows the University to notify parents or guardians about specific information from a student's behavioral record. The University may share information with parents or guardians when students are found in violation of our alcohol or drug policy and are under the age of 21. Other than FERPA exceptions, the student must consent before releasing the record to or sharing case-specific information with parents or guardians.

XVIII: Interpretation and Revision

The Code of Student Conduct shall be construed and applied to incorporate and conform to governing law. Any conflict in the Code with such law shall be deemed superseded and of no effect. Any question of interpretation or application of the Code of Student Conduct shall be referred to the Office of Student Accountability & Academic Integrity or designee for final determination. The Code of Student Conduct should be reviewed every three (3) years and revised as needed under the discretion of the Office of Student Accountability and Academic Integrity.

XIX: Adoption and Amendments

Additional policies or temporary guidance may be added during the academic year and will be updated on the website upon adoption.

XX. Student Behavioral Record Expungement

A student may request the expungement of their student behavioral record no sooner than one year after resolving their most recent incident. Multiple factors will be considered by the Office of Student Accountability & Academic Integrity when deciding to expunge a student's behavioral record. Some of these factors include, but are not limited to, the severity of the violation, overall impact on the campus community, pathway project completion, timeliness of pathway project completion, and current standing with the University. Certain classifications of students may be ineligible for expungement according to program requirements. Expungement means the case will not be a reportable record to third parties. Due to the University's obligations under the Clery Act mentioned above, the record will not be destroyed until it is permitted by the Act.

DRAFT

NUMBER: 1109

TITLE: Prohibition on Participation in Malign Foreign Talent Recruitment Programs

APPROVED:

SCHEDULED REVIEW DATE:

Purpose

The purpose of this policy is to outline Old Dominion University's approach to identifying, reporting, evaluating, managing, and resolving actual and potential research conflicts of interests and commitment to ensure the integrity of the University's scholarship, research, sponsored programs, evaluation, and administration is not threatened.

Definitions

1. **Covered Individual:** An individual who:
 - a. contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a federal research agency; and
 - b. is designated as a covered individual by the federal research agency concerned.
2. **Foreign Country of Concern:** Means the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country determined to be a country of concern as determined by the Secretary of State.
3. **Foreign Talent Recruitment Program:** Any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, whether or not directly sponsored by the foreign country, to an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.

Note: Consistent with Section 10632(d) of the CHIPS and Science Act, a FTRP program does not include the following international collaboration activities, so long as the activity is not funded, organized, or management by an academic institution or a foreign talent recruitment program on the lists developed under paragraphs (8) and (9) of Section 1286 (c) of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019](#):

- a. Making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
- b. Participating in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;
- c. Advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request; and
- d. Engaging in the following international activities:
 - i. Activities that are partly sponsored or otherwise supported by the United States such as serving as a government appointee to the board of a joint scientific fund (e.g., the U.S.-Israel Binational Industrial Research and Development Foundation); providing advice to or otherwise participating in international technical organization, multilateral scientific organizations, and standards setting bodies (e.g., the International Telecommunications Union, Intergovernmental Panel on Climate Change, etc.); participating in a Fulbright Commission program funded in whole or in part by a host country government; or other routine international scientific exchanges and interactions such as providing invited lectures or participating in international peer review panels.
 - ii. Involvement in national or international academies or professional societies that produce publications in the open scientific literature that are not in conflict with the interests of the federal research agency (e.g., membership in the Pontifical Academy of Sciences or The Royal Society).
 - iii. Taking a sabbatical, serving as a visiting scholar, or engaging in continuing education activities such as receiving a doctorate or professional certification at an institution of higher education (e.g., the University of Oxford, McGill University) that are not in conflict with the interests of the federal research agency.
 - iv. Receiving awards for research and development that serve to enhance the prestige of the federal research agency (e.g., the Nobel Prize).
 - v. Other international activities determined appropriate by the federal research agency head or designee.

4. **Malign Foreign Talent Recruitment Program:** As defined by the White House Office of Science and Technology Policy's National Security Presidential Memorandum-33 Implementation Guidance:

Any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual:

- a. Unauthorized Intellectual Capital Transfer: Engaging in authorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a federal research and development award to the government or entity provided of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
- b. Recruitment: Being required to recruit trainees or researchers to enroll in such program, position or activity;
- c. Establishing Lab, Company or Taking Employment: Establishing a laboratory or company, accepting a faculty position; or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a federal research and development award;
- d. Conflict of Commitment: Being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
- e. Scientific/Funding Duplication: Through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a federal research and development award;
- f. Foreign Funding: Being required to apply for and successfully receive funding from the sponsoring foreign government’s funding agencies with the sponsoring foreign organization as the recipient;
- g. Prohibition on Acknowledgement: Being required to omit acknowledgement of the recipient institution with which the individual is affiliated, or the federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the federal research and development award;
- h. Disclosure Prohibitions: Being required to not disclose to the federal research agency or employing institution the participation of such individual in such program, position, or activity; or
- i. Conflict of Interest/Conflict of Commitment: Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the federal research and development award; and
- j. A program that is sponsored by:
 - i. A foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;
 - ii. An academic institution on the list developed under section 1286(c)(8) of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019](#); or
 - iii. A foreign talent recruitment program on the list developed under section 1286(c)(9) of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019](#).

Policy Statement

The [Creating Helpful Incentives to Produce Semiconductors \(CHIPS\) and Science Act of 2022](#) (the “Chips Science Act”) requires federal research funding agencies (i.e., National Science Foundation (NSF), the National Institutes of Health (NIH), the Department of Energy (DOE)) to establish

policies that require “covered individuals” to disclose all participation in foreign talent recruitment programs (FTRPs) and to certify at proposal, and annually for the duration of the award, that they are not a party to a malign foreign talent recruitment program (MFTRP), and that Old Dominion University certify that such individuals have been made aware of the requirement.

In addition, the Department of Defense (DoD) released [Countering Unwanted Foreign Influence in Department-funded Research at Institutions of Higher Education](#), that includes a Policy for Risk-Based Security Reviews of Fundamental Research and associated Decision Matrix. Under this new DoD policy and effective August 9, 2024, the DoD will deny funding if the proposing institution does not have a policy prohibiting participation in a MFTRP.

The [National Science Foundation \(NSF\) draft revised Proposal and Award Policies and Procedures Guide \(PAPPG\)](#) includes the definition of Malign Foreign Talent Recruitment Programs and explicitly prohibits participation of senior personnel in MFTRPs. All senior personal will be required to certify prior to proposal submission that they are not party to an MFTRP. In addition, the Authorized Organization Representative (i.e., the person who submits your proposals) will need to certify that all senior personnel associated with the proposal have been made aware of and have complied with their responsibility under that section to certify that they are not party to a malign foreign recruitment program.

In June 2019, the DOE issued the [DOE Order 486.1](#) that prohibits DOE employees, contractors, and certain subcontractors from currently or in the future participating in foreign talent recruitment programs of countries determined sensitive to DOE. To comply with federal regulations regarding the eligibility of federal research funding, Old Dominion University will:

1. Prohibit participation in malign foreign talent recruitment programs.
2. Require that Key Personnel or Covered Individuals comply with all sponsor policies and certification regarding MFTRP as they are developed and implemented and that disclosures are true, complete, and accurate to the best of the covered individual’s knowledge.
3. Require a Covered Individual to comply with federal research agency policies to:
 - a. Certify at proposal, and annually for the duration of the award, that they are not a party to a MFTRP, and
 - b. Disclose all participation in FTRP contracts, agreements, or other arrangements.
 - c. Certifications will not apply to awards made prior to August 9, 2022.
 - d. Old Dominion University must certify that Covered Individuals have been made aware of the requirements set forth in this policy.

Procedures

Members of the Old Dominion University Board of Visitors, as appointed by the Governor, shall abide by the federal requirements regarding foreign influence. A board member shall not participate in a malign foreign talent recruitment program. Each board member has an obligation to disclose all foreign program affiliations when appointed and annually thereafter on or before February 1.

Disclosures are required from all faculty, and any ODU personnel:

1. who contribute in a substantive, meaningful way to the scientific development or execution of a research and development program proposed to be carried out with a research and development award from a federal research agency, and
2. any faculty who are designated as a Key Personnel or Covered Individual by the federal research agency concerned.

Foreign Talent Recruitment Programs

1. Participation in FRTP must be fully disclosed on annual Conflict of Interest and Conflict of Commitment form in accordance with [University Policy 5201, Individual Research Conflict of Interest and Commitment](#).
2. Researchers engaged in federally funded research are required to disclose current or pending participation in, or applications to, an FTRP to the federal research agency in accordance with that agency's requirements. Requirements may include disclosure of the FTRP in the Biographical Sketch or Curriculum Vitae (CV) and/or in other/current and pending support documents.
3. Federal research agencies may require implementation of mitigation strategies related to the FTRP before awarding a proposal to the University (e.g., Department of Defense Policy for Risk-Based Security Reviews of Fundamental Research). Mitigation strategies could include, but are not limited to, training, increased frequency of required reporting, and/or replacement of personnel on the project.

Malign Foreign Talent Recruitment Programs

1. Participation in MFTRP must be fully disclosed on annual Conflict of Interest and Conflict of Commitment forms in accordance with [University Policy 5201, Individual Research Conflict of Interest and Commitment](#).
2. Federal research agencies may require certification that each covered individual is not a party to an MFTRP in the proposal submission, and annually thereafter for the duration of the award.
3. Old Dominion University shall certify that covered individuals have been made aware of the requirement.

Prior to the University certification of the disclosures on any federal awards, Old Dominion University Research Security and Export Controls will perform open-source "due diligence" checks to verify the information provided in the conflict of interest disclosure.

§ 23.1-2002. (For effective date, see 2023 Acts, cc. 756, 778, cl. 5) Meetings; officers; committees.

A. The board shall meet at the University once a year and at such other times as it determines. Special meetings of the board may be called by the rector or any three members. The secretary shall provide notice of any special meeting to each member.

B. A majority of members shall constitute a quorum.

C. In every even-numbered year, the board shall elect from its membership a rector to preside at its meetings, a vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of the rector and vice-rector. Such officers shall assume their duties on July 1 of such year.

D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector, vice-rector, and secretary.

E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the unexpired term.

F. At every regular annual meeting of the board, an executive committee for the transaction of business in the recess of the board may be appointed, consisting of at least five members. The executive committee shall consist of the officers of the board and such other members as the rector may appoint.

G. The board shall have a standing committee to serve as the board of directors of the Eastern Virginia Health Sciences Center at the University, which shall oversee the Eastern Virginia Health Sciences Center at the University and exercise such decision-making authority over the Eastern Virginia Health Sciences Center at the University as the standing committee deems necessary or appropriate under the authority of and in accordance with the bylaws of the board. The standing committee shall oversee financial management of the Eastern Virginia Health Sciences Center at the University and approve and recommend to the board the budget for the Eastern Virginia Health Sciences Center at the University. The standing committee shall consist of no more than 17 members who are appointed as follows: one nonlegislative citizen member appointed by the Governor; one nonlegislative citizen member appointed by the Senate Committee on Rules; one nonlegislative citizen member appointed by the Speaker of the House of Delegates; one nonlegislative citizen member appointed by the primary teaching hospital affiliated with the University; four members of the board appointed by the rector of the board; and no more than nine members appointed by the Eastern Virginia Medical School Foundation or any successor foundation.

1962, c. 69, § 23-49.17; 1966, c. 18; 1974, c. 317; 1980, c. 100; 2002, c. [368](#); 2016, c. [588](#); 2018, c. [715](#); 2023, cc. [756](#), [778](#).

Bylaws Excerpts

From the Preface

The Commonwealth demands institutional direction by a Board composed of active, informed, and engaged visitors. As a measure of this need, [the General Assembly provided that if any member of the Board should fail to perform the duties of a visitor for a year](#), without sufficient cause, the Board shall certify the same to the Governor; and the office of that member shall then be vacant.

§ 2.03. Removal. Pursuant to [Va. Code §23.1-1300.E](#), [if any member of the Board of Visitors fails to attend \(i\) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board, or \(ii\) the educational programs sponsored by the State Council of Higher Education for Virginia, pursuant to Va. Code §23.1-1304, in the first two years of membership without sufficient cause, as determined by a majority vote of the board, the remaining members of the board shall record such failure in the minutes of its next meeting and notify the Governor, and the office of such member shall be vacated.](#) If such situation arises, the Rector shall notify the Board member no less than ten days in advance that the Board will be discussing the Board member's non-attendance at Board meetings for one year without sufficient cause and/or the Board member's failure to participate in educational programs sponsored by SCHEV in the first two years of membership at an upcoming meeting without sufficient cause. The date, time and location of the meeting will be included in the notice as well as the Board member's right to attend to explain why there is sufficient cause for failing to attend. In addition, pursuant to [Va. Code §2.2-108](#), notwithstanding any provision of law to the contrary, [the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any public institution of higher education](#) or other educational institution of Virginia, and fill the vacancy resulting from the removal. Each appointment to fill a vacancy shall be subject to confirmation by the General Assembly.

§ 3.01. Regular Meetings. Regular meetings of the Board of Visitors shall be held no less frequently than four times each year on such dates and in such places as may be set by the Rector and the Board of Visitors. Regular meetings scheduled annually in excess of the four published regular meetings shall be announced to Board members, University staff, and the public at least 30 calendar days prior to the day the regular meeting is to be convened to assure maximum participation. The regular meeting during the month of June of each year shall be the annual meeting. Public notice for all open and closed meetings shall be provided in accordance with [Va. Code §2.2-3707 C](#), which requires notice at least three working days in advance of the date scheduled for the meeting, except in cases of emergency.

§ 4.06. Attendance. Board of Visitors members are entitled to attend all Board functions, including open and closed meetings of Board committees. Where conflicts arise due to several committees meeting simultaneously, the Board member shall give priority to the standing committee to which he/she has been assigned, unless excused by the standing committee chair and the Rector.

NUMBER: 1107

TITLE: Board of Visitors Meeting Scheduling and Procedures

APPROVED: April 11, 2003; Revised June 12, 2014; Revised September 14, 2021; Revised September 16, 2022

SCHEDULED REVIEW DATE: September 2027

All meetings of the Board of Visitors shall be conducted in accordance with the *Code of Virginia*, the Board's Bylaws, Board Policies and Procedures, and *Robert's Rules of Order Newly Revised*, in order of descending precedence. University Counsel shall serve as Board parliamentarian for purposes of interpreting *Robert's Rules of Order Newly Revised*. The University Counsel shall attend all open and closed meetings and committee meetings except those where the President is being evaluated or presenting portions of his/her Annual Report dealing with the evaluation of university officers, unless otherwise directed by the Attorney General in accordance with [Va. Code §23.1-1303.B.1.iii](#).

The following procedures for regular meetings of the Board of Visitors shall generally be followed consistent with Article III of the Board of Visitors Bylaws.

Meeting Scheduling

Regular and Executive Committee meetings shall be scheduled one year in advance with care being taken to avoid significant events which may preclude the attendance of a large number of Board members (i.e.; national holidays, school openings and closings). The four regular meetings of the Board are scheduled quarterly, usually during the months of September, December, April, and June of the academic year. Executive Committee meetings are scheduled during the months in which the full Board does not meet and may be canceled by the Rector if there is no need to meet.

Meeting Notices

In accordance with [Va. Code § 2.2-3707](#), notice of regular meetings of the Board shall be posted at least three working days prior to the meeting. Such notice shall be posted on the University's website and the State's Commonwealth Calendar, and distributed electronically to all members of the Board, the President, President's Cabinet, faculty and student representatives, staff who support the Board and its committees, media, and all others who specifically request such notice in writing to the Executive Secretary to the Board of Visitors. Meeting agendas and all supporting documents except those that are legally exempted are also made available to the public on the University's website. Notice of such meetings shall include the date, time, and location of the meeting.

Notice of special, emergency, or continued meetings, reasonable under the circumstances, shall be posted and distributed as described above at the same time such notice is provided to the members

of the Board. Special meetings may be called by the Rector or the Vice Rector in his/her absence or disability, or by any three members. In addition to the date, time and location of the meeting, the purpose of the meeting must also be stated in the notice.

Meeting Agendas

Matters to be placed on the Board's regular and special meeting agenda and requests for public comment shall be brought to the attention of the Rector or the President in writing at least 15 days in advance of the meeting at which the issue is to be addressed or public comment accepted. The purpose of the agenda process is to ensure that only relevant issues requiring Board action are identified; that items brought before the Board have been fully analyzed and briefed; and that issues requiring Board action contain alternative recommended courses of action, if possible, to be considered for approval.

1. As part of this process, the Rector shall consult with his/her active committee chairs, Board representatives, and staff, and consider written requests of interested parties. The President shall consult with his/her principal staff, other appropriate parties, and consider written requests. Based on these consultations, the Rector and President shall then set the agenda.
2. Chairs of standing committees shall set their respective committee agendas with the responsible University administrator.
3. Reports of invited representatives and anticipated issues or resolutions requiring Board decisions under unfinished and new business and the point or points during the meeting where public comment will be accepted will be specified in the published pre-meeting agenda. Such agenda shall be distributed to all Board members at least seven days prior to each regularly scheduled Board meeting.
4. Supplementary agenda items originating after distribution of the pre-meeting agenda shall be provided to all Board members as soon as they are identified.
5. The Rector shall confer with all active committee chairs at least 15 calendar days before an Executive Committee meeting to determine if there are agenda items to be considered at that meeting before canceling such meeting.

Order of Business

The order of business shall be as follows, unless modified by the Rector with the approval of the Board:

- Convene Meeting
- Approval of Minutes of Previous Meeting
- Special Presentations (if any)
- Public Comment (if allowed)
- Rector's Report
- President's Report
- Reports of Standing Committees
- Reports of Special Committees
- Reports of Invited Representatives, if any

Motion for Closed Session, if any
Reconvene in Open Session and Freedom of Information Act Certification
Call for Unfinished Business
Call for New Business
Adjournment

Public Comment

Public comment shall be taken upon request of interested parties to an agenda issue. The request must be made in writing via the Executive Secretary to the Board to the Rector and President in accordance with the timeline provided in the meeting notice. The points at which public comment will be accepted shall be specified in the published meeting agenda.

Closed Meetings

While convened in closed meetings, board members must be confident that they may engage in full and open discussion of legitimate closed meeting topics without fear or concern that comments, or statements made therein will be revealed or disclosed outside the presence of the convened body. All board members and invited guests present during closed meetings should be mindful that the confidentiality of discussions is dependent on informed recognition of the confidential and potentially sensitive nature of such dialogue. Disclosure of information or documents including “working papers,” revealed or discussed in closed meetings represents a breach of the confidentiality on which board members are legitimately entitled to rely. Additionally, unauthorized disclosures of closed meeting information could have the effect of inhibiting subsequent closed meetings.

The following requirements apply to closed meetings:

1. The Board must take a recorded vote in an open meeting approving a motion that identifies the subject matter and purpose of the closed meeting and cites the applicable exemption from open meeting requirements as authorized in [Virginia Code §2.2-3711.A](#). The matters contained in such motion shall be set forth in detail in the minutes of the open meeting. A general reference to the authorized exemptions or the subject matter of the closed meeting is not sufficient to satisfy the requirement for holding a closed meeting.

This provision does not apply to closed meetings of the Board held solely for the purpose of interviewing candidates for the position of president. Prior to any such closed meeting, the Board shall announce in an open meeting that such closed meeting will be held at a disclosed or undisclosed location within 15 days thereafter.

2. The Board must restrict its discussion during the closed meeting only to those matters specifically exempted and as identified in the motion.
3. At the conclusion of the closed meeting, the board must immediately reconvene in an open meeting and take a vote certifying that to the best of their knowledge, only public business matters lawfully exempted and as were identified in the motion were heard, discussed, or considered. If a board member believes that there was a departure from these requirements,

prior to the vote he or she must state what he or she believes the substance of the departure was, which still be recorded in the meeting minutes.

4. The Board may permit nonmembers to attend a closed meeting if such person is deemed necessary or their presence will reasonably aid the Board in its consideration of a topic to be discussed. The nonmembers permitted to remain in the closed meeting will be noted in the meeting minutes.
5. University Counsel shall attend all closed meetings except those where the President is being evaluated or presenting portions of his/her annual report dealing with evaluation of university officers. In these cases, a representative from the Attorney General's office will be asked to participate.
6. No resolution or motion adopted, passed, or agreed to in a closed meeting will become effective unless the Board reconvenes in an open meeting to take a vote of the membership on such resolution.

Voting

1. The authority of the Board rests in its majority, therefore, Board voting on issues or candidates for a position shall require a majority of votes cast, versus a plurality, to pass a motion or elect an officer or representative, except where otherwise specified.
2. In cases where there are more than two choices, the following shall apply. If on the first ballot, no choice receives a majority, the one receiving the smallest number of votes shall not be considered on the next ballot, provided that at least two choices remain on the ballot. This shall continue until a choice has received a majority of the required vote. Should two or more choices receive the same number of low votes and the total of these two choices when combined with any one other member's vote not constitute a majority, then the choices receiving the same number of low votes shall be eliminated. Should the total of the same number of low votes received by two or more choices when combined with any one other member's vote constitute a majority, then no member shall be eliminated, and the balloting shall continue. Should more than one ballot be required, the proponent of each choice shall be allowed one minute to address the membership before the next ballot.
3. Except when a roll-call vote is specifically requested by any member of the Board or as otherwise required by law, motions shall be carried or defeated by voice vote, with the Secretary noting members supporting, opposing, or abstaining from the matter. However, all votes taken during electronic communication meetings shall be by roll-call and so recorded in the meeting minutes ([Va. Code §2.2-3708.2.D](#)). No proxies, secret, or written ballots are authorized in any Board meeting ([Va. Code §2.2-3710](#)). The roll-call vote shall be recorded in the minutes by the Secretary calling the roll. Should members attending the meeting be absent for the vote, their absence shall be noted in the minutes. The Student Representative to the Board of Visitors is a non-voting member, but his/her comment regarding an issue may be recorded in the minutes. Any action taken in a closed meeting must be approved in an open meeting before it can have any force or effect.

4. In accordance with *Robert's Rules of Order Newly Revised*, the Rector shall not vote on any issue except in the case of a tie. Committee chairs, however, are allowed to vote on all issues.

Meeting Minutes

Minutes should record action taken, policies adopted, resolutions passed, and discussions by the Board. Minutes shall be taken at all open regular, special, working session, retreat, and committee meetings as prescribed by the Freedom of Information Act ([Title 2.2, Chapter 37 of the Code of Virginia](#)). Minutes shall include the date, time, and location of the meeting, the members of the public body recorded as present or absent, a summary on the discussion of the matters proposed, deliberated, or decided, and a record of any votes taken.

These minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records are public records and subject to the provisions of the Freedom of Information Act. Audio recordings shall be retained for three years and shall be available to the public. Minutes or audio recordings of closed meetings may be taken at the discretion of the Board by an approved motion to do so. Minutes of closed meetings, including drafts and audio or audio/visual records, are not public records and are protected by the Freedom of Information Act. Minutes requirements for electronic communication meetings are described in the next section.

Draft minutes are considered public documents under the Freedom of Information Act. Since they are papers designed to produce a finished document and may be incomplete or incorrect, they shall be clearly marked as drafts, handled with care, and destroyed when the minutes are approved. Draft minutes shall be posted as soon as possible but no later than ten working days after the conclusion of the meeting. The Executive Secretary to the Board shall notify the Board when draft minutes have been posted. If there are substantive errors, the draft minutes may be corrected by members by making a motion to correct the minutes on the agenda for the next regular meeting of the Board. Typographical errors can be forwarded to the Secretary for correction. Final approved minutes shall be posted within three working days of approval by the Board.

Participation in Board of Visitors Meetings by Electronic Means of Communication

The general policy of the Board is that unless a state of emergency has been declared by the Governor, the Board will meet in person with a quorum of Board members physically assembled to conduct the meeting of the Board or its committees. Individual board members may participate electronically only under specific conditions as provided in accordance with [Va. Code § 2.2-3708.3](#) and this policy.

1. A member of the Board of Visitors may participate in a meeting through electronic means of communication from a remote location that is not open to the public only as follows:
 - A. On or before the day of a meeting, a member notifies the Rector that he or she is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter, and the Rector approves the request to participate in the meeting from a remote location.

- i. If a member's participation from a remote location is disapproved by the Rector because such participation would violate the conditions noted in item 2 below, disapproval shall be recorded in the minutes with specificity.
 - ii. Such remote participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the Board, whichever is fewer.
 - B. On or before the day of the meeting, a member notifies the Rector that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition of the member or the member's family that prevents the member's physical attendance.
 - C. If a member's principal residence is more than 60 miles from the meeting location, the member may notify the Rector on or before the day of the meeting that he or she will participate in the meeting remotely.
2. Participation by a member of the Board of Visitors under Item 1 above shall be authorized only under the following conditions:
 - A. A quorum of the Board of Visitors is physically assembled at the primary or central meeting location.
 - B. The meeting notice identifies the primary or central meeting location and any remote location open to the public, as well as the electronic communication means to be utilized by the member participating virtually in the meeting.
 - C. Public access to the remote locations from which additional members of the public body participate through electronic communication means is encouraged but not required.
 - D. The meeting minutes must note which Board members were in attendance in person and which members participated electronically. The minutes must include with specificity the given reasons for remote participation as well as a general description of the remote location from which each member participated virtually.
 - E. Votes taken during the meeting must be recorded by name in roll-call fashion.
3. At the Rector's discretion, but no more than twice per year or 25 percent of the meetings held per calendar year, whichever is fewer, the Board may hold an all-virtual public meeting, pursuant to the conditions set forth in [Va. Code § 2.2-3708.3](#).

In accordance with [Virginia Code § 2.2-3708.2](#), when the Governor has declared a state of emergency, the Board may meet by electronic communication means without a quorum of the Board physically assembled at one location, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe for the Board to assemble in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the institution or the discharge of the Board's lawful purposes, duties, and responsibilities.

Requirements for electronic meetings under an emergency declaration include the following:

1. Public notice must be given using the best available method given the nature of the emergency and must be given at the same time notice is provided to the members of the Board.
2. Arrangements for public access to the meeting through electronic means including, to the extent practicable, videoconferencing technology must be made.
3. Provide the public with the opportunity to comment at the meeting if public comment is to be received.
4. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held must be stated in the meeting minutes.